

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 1 has been amended to clarify that the reflecting surface is arranged on a first side of the movable portion, and that the magnet is arranged to oppose a second side of the movable portion that is opposite to the first side of the movable portion on which the reflecting surface is arranged. See, for example, Fig. 11.

In addition, claim 3 has been amended to clarify that the end surface of the magnet is a single end surface and that a plurality of magnetic poles are provided on the single end surface of the magnet, and claim 4 has been amended to clarify that the plurality of magnetic poles provided on the single end surface of the magnet are arranged to oppose the second side of the movable portion. Again, see Fig. 11.

Still further, claim 7 has been amended to clarify that the coil is mounted on the second side of the movable portion so as to oppose the magnet. Again, see Fig. 11.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

THE PRIOR ART REJECTION

Claims 1-10 were rejected under 35 USC 102 as being anticipated by USP 6,373,811 ("Ikegame et al"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in clarified amended independent claim 1, the reflecting surface of the movable portion (mirror 65) is arranged on a first side of the movable portion, and the magnet (63) is arranged to oppose a second side of the movable portion (mirror 65) that is opposite to the first side of the movable portion on which the reflecting surface is arranged. See, for example, Fig. 11.

By contrast, it is respectfully submitted that Ikegame et al clearly does not disclose, teach or suggest this structure of the present invention as recited in clarified amended independent claim 1. Instead, as shown in Figs. 10A and 10B of Ikegame et al, the magnets 112f are arranged perpendicular to the surface of the movable portion 112e on which the reflecting surface is provided, and the magnets 112f clearly do not oppose a side surface of the movable portion 112e which is opposite the side of the movable portion 112e on which the reflecting surface is provided.

In addition, the Examiner's assertion in the paragraph bridging pages 4-5 of the Office Action regarding the "understanding" of one of ordinary skill in the art is

respectfully traversed. That is, in the paragraph bridging pages 4-5 of the Office Action, the Examiner asserts that:

"It is understood by one ordinary skill in the art that the magnet field showing the direction of the polarity surrounds the magnet. In other words, the magnet field showing the direction of the polarity can be detected on any close proximity to the magnet. Therefore, the left and right surface of 112f of Ikegame's figure 10B would detect a magnet pole, and hence the magnetic pole would be provided."

It is respectfully submitted, however, that the Examiner appears to be confusing a magnetic field for a magnetic pole. It is a magnetic field, not a magnetic pole, that is generated inside a magnet and in the space therearound. As shown in Fig. 1.9 of the excerpts from The Institute of Electrical Engineers of Japan, "Magnetics - Fundamentals and Applications" submitted with the Amendment filed September 17, 2007, magnetic poles are provided only on the two end surfaces of the magnet and no poles appear on the other surfaces of the magnet. According to the Examiner's (incorrect) assertion, a magnetic pole would be detected in the entire inside of the magnet, on all surfaces of the magnet, and in any space surrounding the magnet. This is clearly not correct.

Accordingly, it is again respectfully submitted that Ikegame et al clearly does not disclose, teach or suggest the feature of the present invention as recited in claim 1 whereby an end surface of the magnet, at which a magnetic pole is provided,

is substantially parallel to the reflecting surface of the movable portion, as explained in detail in the Amendment filed September 17, 2007.

With respect to claim 2, moreover, it is noted that the Examiner asserts on pages 2-3 of the Office Action that Ikegame et al discloses that a magnetic field which is substantially in parallel with the reflecting surface of the movable portion functions on the effective portion of the coil. It is respectfully pointed out, however, that as shown in Fig. 10B of Ikegame et al, it is a magnetic field in a direction parallel with the reflecting surface of the movable portion (in the up/down direction) that functions on the effective portion of the coil. Therefore, this assertion by the Examiner with respect to the structure recited in claim 2 is also incorrect.

With respect to claim 3, it is noted that the Examiner asserts on page 3 of the Office Action that Ikegame et al discloses a plurality of magnetic poles provided on the end surface of the magnet. It is respectfully pointed out, however, that as shown in Fig. 10A of Ikegame et al, a single end surface of each magnet has only one of either a N or S pole. Therefore, this assertion by the Examiner with respect to the structure recited in claim 3 is also incorrect.

With respect to claim 4, it is noted that the Examiner asserts on page 3 of the Office Action that Ikegame et al

discloses that the plurality of magnetic poles provided on the end surface of the magnet are opposite to the movable portion. However, as pointed out hereinabove, Ikegame et al only discloses that a single end surface of each magnet has only one N or S pole. Therefore, this assertion by the Examiner with respect to the structure recited in claim 4 is also incorrect.

With respect to claim 5, it is noted that the Examiner asserts on page 3 of the Office Action that Ikegame et al discloses that the effective portion of the coil is positioned at a boundary portion between respective magnetic poles of the magnets. However, as pointed out hereinabove, Ikegame et al only discloses that a single end surface of each magnet has only one N or S pole, and thus there is no boundary portion between magnetic poles. Therefore, the assertion by the Examiner with respect to the structure recited in claim 5 is also incorrect.

Finally, with respect to claim 7, it is noted that the Examiner asserts on page 3 of the Office Action that Ikegame et al discloses that the movable portion 112e comprises the reflecting surface on a first side and the coil 114g on a second side that is opposite to the first side. However, as shown in Fig. 10A and 10B of Ikegame et al, the coil 114g is arranged on a side of the movable portion 112e which is perpendicular to the reflecting surface, and is adjacent to (not opposite) the reflecting surface. Therefore, the assertion by the Examiner

with respect to the structure recited in claim 7 is also incorrect.

In view of the foregoing, it is respectfully submitted that amended independent claim 1 and claims 2-29 depending therefrom all clearly patentably distinguish over Ikegame et al under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

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